

PPG



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,266	11/29/2000	Shinichi Naohara	Q62049	8853

7590 02/27/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER

HOLDER, REGINA NEAL

ART UNIT PAPER NUMBER

2651

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/725,266	NAOHARA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Regina N. Holder	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____.   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: "Bigging" is misspelled throughout the specification. For example see page 10 line 18 and fig. 3 step S33. Appropriate correction is required.
4. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Objections***

5. Claim 9 is objected to because of the following informalities: Claim 9 lacks antecedent basis for "holding portion". Is this the same thing as the holding member? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsumata (JP 09134586).

Regarding claim 1, Katsumata teaches a recording/reproducing apparatus comprising storage means (HD) on which the information is written in a prescribed number of groups, means for reading the information on the recording medium (disks), and control means (CPU 11) for controlling the write in the storage means of at least a prescribed time of information corresponding to a beginning address of each of the groups. See the Solution.

Regarding claim 3, Katsumata teaches the control means controls the write of information read from the recording medium while it controls reproduction of the information written in the storage medium at any time. See the Solution.

Regarding claim 5, Katsumata teaches the control means correlatively manages the prescribed time of information written in the storage means and the recording medium in which it has been written. See the Solution.

Regarding claim 7, Katsumata teaches a holding member for holding a plurality of media, wherein the control means cause the storage means to store the prescribed time of information relative to all the recording media held in the holding member. See the solution. The holding member for holding a plurality of media is inherently taught because Katsumata teaches a plurality of cds. It is inherent that here is some member holding the plurality of disks. See fig. 1 also.

Regarding claim 8, Katsumata teaches after the control means causes the storage means to store the prescribed time of information relative to all the recording media held in the holding member, it continues reproduction using the information remaining in the storage means. See the

solution. The holding member for holding a plurality of media is inherently taught because Katsumata teaches a plurality of cds. It is inherent that here is some member holding the plurality of disks. See fig. 1 also.

Regarding claim 9, Katsumata teaches after the control means causes the storage means to store the prescribed time of information relative to all the recording media held in the holding portion, it continues reproduction using the information recording in the recording media. See the solution. The holding portion for holding a plurality of media is inherently taught because Katsumata teaches a plurality of cds. It is inherent that here is some member holding the plurality of disks. See fig. 1 also.

Regarding claim 10, Katsumata teaches the recording means is a compact disk (disks) and the storage means is a hard disk drive (HD). See the solution.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata in view of Kumagai (6,449,226). The teachings of Katsumata are described above. However, Katsumata does not teach reading the information on the recording medium at a speed of N-times as high as the normal speed.

Kumagai teaches a recording/reproducing apparatus reading the information on the recording medium at a speed of N-times as high as the normal speed. See col. 5 lines 48-59.

It would have been obvious to one of ordinary skill in the art at the same time the invention was made to modify the teachings of Katsumata to include the teachings of Kumagai, motivation being to help provide the data continuously.

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsumata. The teachings of Katsumata are described above. However, Katsumata does not specifically recite the control means discarding the other information after reproduction or inhibiting storage of the information into the storage means.

Regarding claim 4, Katsumata teaches storing the prescribed time of information and that only 10 seconds of leading audio data is necessary to reproduce without interruptions. See the solution. Hence, it would have been obvious to one of ordinary skill to discard the other information in order to provide more space and faster access. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the teachings of Katsumata to include discarding the other information, motivation being to provide more space and faster access.

Regarding claim 6, Katsumata teaches means for detecting identification information (leading audio data) for identifying the recording medium. See the solution. Because Katsumata teaches reading out the data from the hard disk, there must be a detecting means also. Because Katsumata teaches that only 10 seconds of leading audio data is necessary to reproduce without interruptions, it would have been obvious to one of ordinary skill in the art to inhibit storage of information, when 10 seconds of the leading audio data (id information) is detection. This would provide more space on the hard disk and assist with the quick access. It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the teachings of

Art Unit: 2651

Katsumata to include inhibiting the storage of information to provide more space on the hard disk and assist with the quick access.

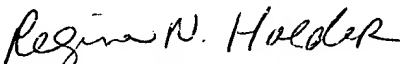
*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also Ino et al (6,292,626) and Yasuda (6,389,399).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina N. Holder whose telephone number is (703) 308-4078. The examiner can normally be reached on 6:30 a.m. - 5:00 p.m. Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Regina N. Holder  
Primary Examiner  
Art Unit 2651

rnh  
February 20, 2003